PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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PCT

WRITTEN OPINION

(PCT Rule 66) *Deadline = 11/25/03*

Date of Mailing *(day/month/year)*	**25 SEP 2003**

Applicant's or agent's file reference	REPLY DUE
F-7313-PC	within 2 months/days from the above date of mailing

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US02/38868	05 December 2002 (05.12.2002)	06 December 2001 (06.12.2001)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04N 5/76 and US Cl.: 386/46

Applicant

SCIENTIFIC-ATLANTA, INC.

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1. This written opinion is the <u>first</u> (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

    I   ☒ Basis of the opinion

    II   ☐ Priority

    III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

    IV   ☐ Lack of unity of invention

    V   ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

    VI   ☐ Certain documents cited

    VII ☐ Certain defects in the international application

    VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

    When?   See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

    How?   By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

    Also   For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6

    If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: <u>06 April 2004 (06.04.2004)</u>   .

Name and mailing address of the IPEA/US	Authorized officer
Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	Thai Tran
Facsimile No. (703)305-3230	Telephone No. (703) 305-4725

Form PCT/IPEA/408 (cover sheet)(July 1998)

<table>
<tr><td colspan="2" align="center">WRITTEN OPINION</td><td>International application No.

PCT/US02/38868</td></tr>
</table>

I. Basis of the opinion

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:
pages <u>1-45</u>, as originally filed
pages <u>NONE</u>, filed with the demand
pages <u>NONE</u>, filed with the letter of _____.

☒ the claims:
pages <u>NONE</u>, as originally filed
pages <u>NONE</u>, as amended (together with any statement) under Article 19
pages <u>46-51</u>, filed with the demand
pages <u>NONE</u>, filed with the letter of _____.

☒ the drawings:
pages <u>1-26</u>, as originally filed
pages <u>NONE</u>, filed with the demand
pages <u>NONE</u>, filed with the letter of _____.

☐ the sequence listing part of the description:
pages <u>NONE</u>, as originally filed
pages <u>NONE</u>, filed with the demand
pages <u>NONE</u>, filed with the letter of _____.

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination(under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages <u>NONE</u>
☒ the claims, Nos. <u>NONE</u>
☒ the drawings, sheets/fig <u>NONE</u>

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)

	Claims	NONE	YES
	Claims	1-40	NO

Inventive Step (IS)

	Claims	NONE	YES
	Claims	1-40	NO

Industrial Applicability (IA)

	Claims	1-40	YES
	Claims	NONE	NO

2. CITATIONS AND EXPLANATIONS
Please See Continuation Sheet

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:
The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. Citations and Explanations:
1.   Claims 1-40 lack novelty under PCT Article 33(2) as being anticipated by Aref et al.

Regarding claim 1, Aref et al discloses a media content recording system (Figs 1-2) in a subscriber television system, comprising:

a memory for storing logic (system manager sequence control files of Fig. 1);

a buffer space of buffering a plurality of media content instances (write buffer 34 of Fig. 2); and

a processor configured with the logic to designate as permanent only a media content instance among the plurality of media content instances in the buffer space that is requested by a user for permanent recording (Video Server 10 of Fig. 1).

Regarding claim 2, Aref et al discloses the claimed wherein the processor is further configured with the logic to provide a user interface, responsive to input from the user, that segregates the media content instances of the buffer space into separately identifiable media content instances and enables the user to select and permanently record at least one of the media content instances (col. 5, lines 40-49).

Regarding claim 3, Aref et al discloses the claimed wherein the processor is further configured with the logic to enable the user to permanently record a displayed media content instance of the buffer space by selecting a button of an input device during any buffered and displayed frame of the media content instance to be permanently recorded (col. 5, lines 40-49).

Regarding claim 4. Aref et al discloses the claimed wherein the processor is further configured with the logic to provide the buffered media content instances as entries in a displayed pre-configured list that enable s to user to select which entry to be permanently recorded (col. 5, lines 40-49).

Regarding claim 5, Aref et al discloses the claimed wherein the processor is further configured with the logic to maintain a management file for each of the buffered media content instances, wherein the processor is further configured with the logic to maintain a status flag in the management file wherein the status flag is configured as temporary for a buffer media content instance that is not designated for permanent recording (col. 5, lines 50-61).

Regarding claim 6, Aref et al discloses the claimed wherein the processor is further configured with the logic to configure the status flag of the management file for a buffered media content instance as permanent when the user requests that said media content instance be permanently recorded, wherein the processor is further configured with the logic to cause the permanently recorded media content instance to have a permanent designation in a file allocation table in response to having the status flag of the corresponding management file configured as permanent, such that the buffer space storing the permanently recorded media content instance becomes designated as non-buffer space (Fig. 3).

Regarding claim 7, Aref et al discloses the claimed wherein the processor is further configured with the logic to use media content instance guide data to determine the start time and stop time of a media content instance buffered into the buffer space (col. 5, lines 50-61).

Regarding claim 8, Aref et al discloses the claimed wherein the processor is further configured with the logic to determine the

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

receipt time into the buffer space by using the time indicated by an internal clock (Video Server 10 of Fig. 1).

Regarding claim 9, Aref et al discloses the claimed wherein the processor is further configured with the logic to configure the media content instance as media content instance files (col. 5, lines 40-49).

Regarding claim 10, Aref et al discloses the claimed wherein the processor is further configured with the logic to randomly generate file names for the media content instance files (col. 5, lines 40-49).

Regarding claim 11, Aref et al discloses the claimed wherein the processor is further configured with the logic to use titles of the media content instances from media content instance guide data as media content instance file names (col. 5, lines 40-49).

Regarding claim 12, Aref et al discloses the claimed wherein the media content instance file names include channel number, the media content instance title, and the source of the media content instance (col. 5, lines 40-49).

Regarding claim 13, Aref et al discloses the claimed wherein the processor is further configured with the logic to cause the buffer space of the permanently recorded media content instance to be designated as non-buffer space (Fig. 3).

Regarding claim 14, Aref et al discloses the claimed wherein the processor is further configured with the logic to buffer analog broadcast media content instance, received at a communications interface, as digitally compressed media content instances (col. 3, lines 37-43).

Regarding claim 15, Aref et al discloses the claimed wherein the processor is further configured with the logic to buffer an analog signal received at a connector from a consumer electronic device, as a digitally compressed media content instance (col. 3, lines 37-43).

Regarding claim 16, Aref et al discloses the claimed wherein the processor is further configured with the logic to buffer digital broadcast media content instances, received at a communications interface, as digitally compressed media content instances (col. 3, lines 37-43).

Regarding claim 17, Aref et al discloses the claimed wherein the processor is further configured with the logic to buffer digital media-on-demand media content instances, received at a communications interface from a remote server, as digitally compressed media content instances (col. 3, lines 37-43 and col. 5, lines 41-49).

Regarding claim 18, Aref et al discloses the claimed wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local network, as digitally compressed media content instances (col. 3, lines 37-43 and col. 5, lines 41-49).

Regarding claim 19, Aref et al discloses the claimed wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local device, as digitally compressed media content instances (col. 3, lines 37-43 and col. 5, lines 41-49).

Regarding claim 20, Aref et al discloses the claimed wherein the processor is further configured with the logic to delete the permanently designated media content instance as requested by the user (Fig. 3).

Method claims 21-40 lack novelty for the same reasons as discussed in apparatus claims 1-20.

2.   Claims 1-40 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

-------------------- NEW CITATIONS --------------------
NONE